

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 38-42 are added. Therefore, claims 1-49 are pending. Of these, claims 1, 3, 5, 8, 9, 10, 16, 18, 20, 32, 34 and 36 are independent.

§ 103 REJECTION – PARULSKI, NORO

Claims 1-8, 10-15, 20-22, 24-26, 28-30 and 32 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Parulski (US Patent 6,836,617) in view of Noro et al. (US Patent 6,646,677). *See Office Action items 3-4.* Applicant respectfully traverses.

It is noted the Examiner fails to properly communicate the basis for a rejection as required so that the issues can be identified. *M.P.E.P. 706.02(j)*. This deprives the Applicant from being a fair opportunity to reply. As an example, independent claim 1 recites, in part “A communication apparatus, comprising ...” In the Office Action, the Examiner merely states, “Parulski discloses a communication apparatus, comprising ...” The Examiner does not specify what element or combination of elements of Parulski that he considers to be equivalent to the communication apparatus as claimed.

Similarly, independent claim 20 also recites, in part “a communication apparatus.” As noted above, the Examiner does not specify the element or the combination of elements of Parulski that he considers to be equivalent.

Regarding independent claims 3, 5 and 8, the Examiner does not specify what he considers to be equivalent to the “server” as recited. Regarding independent claim 10, the

Examiner does not specify what he considers to be equivalent to the “service center” as recited. Regarding independent claim 32, the Examiner does not specify what he considers to be equivalent to the “recording device” as recited.

In other words, the Office Action fails to provide a reasoned statement of the rejection sufficient to explain the basis of the rejection so that Applicant can understand it. As such, the Office Action violates Applicant’s fundamental substantive and procedural due process rights under the Administrative Procedures Act to be reasonably informed of the basis of the rejection to which Applicants have to respond. See in this regard, In re Zurko, 119 S.Ct. 1816, 50 USPQ2d 1930 (1999), and In re Gartside, 53 USPQ2d 1769 (Fed. Cir. 2000). This alone is sufficient to distinguish the claims over the combination of Parulski and Noro.

Also, to rely on a reference as a basis of rejection, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned. See *M.P.E.P. 2141.01(a)*. In other words, the cited references must be analogous. Neither Parulski nor Noro is analogous.

For example, Parulski is directed to purchasing or leasing configured imaging devices over the Internet. See *Parulski*, column 1, lines 17-20. The imaging devices include digital cameras, films cameras, printers, films and one-time use cameras. The configuration of the item to be purchased or leased may be dictated by the purchaser, i.e. the user. See column 2, lines 42-54.

The system is generally illustrated in Figure 1. As shown, the system includes a computer 10 connected to an internet service provider 30. The system also includes a product

customization center 40 which communicates with the computer 10 to perform the selecting, configuring, purchasing, billing, and shipping the customized imaging device 80. *See column 4, lines 18-32.*

As shown in Figure 2 of Parulski, the user/customer logs onto the internet site, selects from a menu of imaging devices and configurations, enters the billing information, and uploads the request to the product customization center. The product is customized per the customer's request and then shipped. Figures 3-11 depict examples of imaging devices that can be personalized to the customer's desires and shipped. None of the relied upon portions of Parulski describe uploading images to a server and providing services related to the images such as printing of the images like the presently claimed invention.

Noro is also not analogous. Noro is directed to a surveillance system for remotely controlling sensing of images using still camera, video camera, and the like. *See Noro, column 1, lines 10-16.* As illustrated in Figure 5, Noro discloses that a plurality of cameras (16, 18) is distributed and interfaces with corresponding plurality of camera management devices (12, 14). The plurality of camera management devices can be distributed and remotely controlled through a camera operation device 20 for surveillance. The zooming, panning, and tilting operations of the cameras 16, 18 may be controlled via the camera operation device 20. *See Noro, column 7, lines 30-31.* Like Parulski, Nora is also not analogous to the invention as claimed.

Because the cited references are not analogous, the rejection of claims 1-8, 10-15, 20-22, 24-26, 28-30 and 32 cannot stand. This reason is also sufficient by itself to distinguish the claims over the combination of Parulski and Noro.

In addition, the cited references cannot teach or suggest all recited features. For example, claim 1 recites, in part “a displaying device that displays the images received from the camera by the first communication device and displays a service menu showing services offered by a service center for the user.” In the Office Action, the Examiner cites column 6, lines 18-22; column 12, lines 34-41; column 17, lines 10-18; and column 19, lines 49-54 of Parulski as allegedly teaching the above recited feature.

The Examiner is misguided. For example, column 6, lines 18-22 states in its entirety, “The ISP 30 uses an address, such as an Internet protocol (IP) address, to establish a connection between the customer’s computer 10 and a product provider or seller which owns or controls the product customization center.” There is nothing in this statement that can be even remotely interpreted as being a displaying device.

Also, column 6, lines 18-22 of Parulski is the portion that describes Figure 2 in which the user/customer may log onto an internet site to customize and order an imaging product. Figure 2 and related descriptions is entirely silent regarding the communication apparatus including a displaying device of any sort.

Column 12, lines 34-41 of Parulski describes an example of a digital printer 400 that can be customized and ordered via the ordering system illustrated in Figure 2. The digital printer 400 includes a display 432 which can download images from a memory card 430 to be printed using user control (also labeled 430). If the Examiner is alleging that the display 432 is equivalent to the displaying device as claimed, then the Examiner must be alleging that the printer 400 is equivalent to the communication apparatus.

However, there is no first communication device connected to the printer 400 to receive images from a camera as recited in claim 1, there is no selecting device on the printer 400 as recited in claim 1, and there is no second communication device on the printer 400 to transmit any information over a network. Clearly, the printer 400 cannot be equivalent to the communication apparatus as recited, and thus, the display 432 cannot be equivalent to the displaying device as recited.

Column 17, lines 10-18 of Parulski merely describes yet another customization available for the user when ordering one-time use cameras. Column 19, lines 49-54 merely indicate that the cameras with requested features may be leased instead of purchased outright. There is nothing in these portions that can reasonably be interpreted to describe a displaying device of any kind. Noro has not been relied upon to correct for at least the above-noted deficiencies of Parulski. Clearly, the combination of Parulski and Noro cannot teach or suggest all features of claim 1.

Independent claim 3 recites, in part "A server, comprising: ... a communication device that receives identification information of a camera owned by a user from the user." The Examiner alleges that Parulski, column 20, lines 15-23 teaches this feature. *See Office Action, page 4.* Based upon the portion of Parulski cited, it appears that the Examiner is alleging that the product customization center 44 as illustrated in Figure 2 is equivalent to the communication device as recited. Apparently, the Examiner is under the impression that the camera is already in the user's possession when the user logs onto the product customization center 44.

A closer observation of the recited portion clearly shows the error in the Examiner's interpretation. Column 20, lines 13-25 of Parulski describes the imaging device purchasing or leasing process as illustrated in Figure 11. As noted above, the user logs onto the internet site and selects a list of features that can be applied to the imaging device that the user is about to purchase or lease. In the cited portion, Parulski states that the customer enters delivery and billing information in block 162 of Figure 11. *See Parulski, column 20, lines 13-15.* In block 164, the electronic database 144 provides the product configuration center 50 with the customer's selected configuration and personalization information. *See Parulski, column 20, lines 15-18.* Then in block 168, the manufacturing customization computer 52 selects the particular software programs required to provide the features selected by the customer for the customer's selected imaging device 80. *See Parulski, column 20, lines 19-23.* In other words, the entirety of the cited portion describes the fulfillment of customer's requests for a configured imaging device when the imaging device is purchased. Clearly, Parulski cannot teach or suggest the feature of a communication device that receives identification information of a camera owned by a user from the user.

Claim 3 also recites "wherein the communication device transmits the service menu to the user." The Examiner alleges that column 19, lines 49-54 teach this feature. As noted above, it appears that the Examiner is alleging that the product customization center 44 is equivalent to the communication device as recited. However, Parulski is completely silent regarding whether the product customization center 44 is capable of sending any type of service menu back to the

user. Clearly, the combination of Parulski and Noro cannot teach or suggest all features of claim 3.

Independent claim 5 recites, in part “A server, comprising: ... a communication device that receives identification information of a camera owned by a user from the user.” It has been shown that Parulski and Noro cannot teach or suggest this feature.

Claim 5 also recites, “a recording device that records user setting information on the user associated with the identification information” and “a device that reads from the recording device the user setting information associated with the identification information received by the communication device and transmits the read user setting information to another communication apparatus. These feature are not taught or suggested by Parulski and Noro individually or in combination.

Independent claim 8 recites, in part “A server, comprising: ... a communication device that receives identification information of a camera owned by a user from the user.” It has been shown above that Parulski and Noro cannot teach or suggest this feature.

In addition, claim 8 recites “wherein the communication device transmits the service menu showing the services in the order determined by the determining device.” The Examiner simply refers to column 17, lines 10-18 and column 19, lines 49-54 to allegedly teach this feature. As noted above, column 17, lines 10-18 merely describes an example of customization that is available when purchasing a one-time use camera. Column 19, lines 49-54 merely indicate that the cameras with requested features may be leased instead of purchased outright. The relied

upon portion is completely silent regarding transmitting service menu of any kind. Clearly, the combination of Parulski and Noro cannot teach or suggest all features of claim 8.

Independent claim 10 recites, in part “A service center, comprising: ... a communication device that receives identification information of a camera owned by a user and service information, or the identification information, an image and the service information from the user.” It has been shown above that Parulski and Noro cannot teach or suggest this feature.

Claim 10 also recites, “a recording device that records user information on the user associated with the identification information” and “a device that reads from the recording device the user information associated with the identification information received by the communication device to specify the user, and provides a service corresponding to the service information to the user.” Parulski and Noro do not teach or suggest these features.

Independent claim 20 recites, in part “receiving images from a camera connected with a communication apparatus and identification information of the camera from the camera” and “displaying the images and a service menu showing services to be offered by a service center on a displaying device of the communication apparatus.” It has clearly been shown above that Parulski and Noro cannot teach or suggest at least these features.

Independent claim 32 recites, in part “receiving the identification information and service information indicating a service, or receiving the identification information, an image and the service information from the user.” It has clearly been shown above that Parulski and Noro cannot teach or suggest at least this feature. Also the feature of “reading from the recording

device the user information associated with the received identification information to specify the user, and providing the service to the user” is not taught or suggest by Parulski and Noro.

For at least the reasons stated above, independent claims 1, 3, 5, 8, 10, 20 and 32 are distinguishable over the combination of Parulski and Noro. Claims 2, 4, 6-7, 11-15, 21-22, 24-26, 28-29 and 32 depend from independent claims 1, 3, 5, 10, 20 and 32 directly or indirectly. Thus, for at least due to the dependency thereon, claims 2, 4, 6-7, 11-15, 21-22, 24-26, 28-29 and 32 are also distinguishable over the combination of Parulski and Noro.

The dependent claims are also distinguishable on their own merits. For example, claim 21 recites “the server which communicates with the communication apparatus through the network has a recording device that records user information on a user of the camera associated with the identification information” and “the server reads from the recording device the user information associated with the identification information received by the communication apparatus from the service center and transmits the read user information to the service center.” The combination of these features is not taught or suggested by Parulski and Noro.

Claim 22 recites, “the server has a recording device that records the user information associated with the identification information, and reads from the recording device the user information associated with the identification information” and “the server connects to the service center and transmits the read user information and the image to the service center.” The combination of these features is not taught or suggested by Parulski and Noro.

Claim 24 recites, “a server which communicates with the communication apparatus through the network has a recording device that records the service menu associated with the

identification information” and “the server selects from the recording device the service menu associated with the identification information received from the user and transmits the selected service menu to the user.” The combination of these features is not taught or suggested by Parulski and Noro.

Claim 28 recites, “a server which communicates with the communication apparatus through the network has a recording device that records the identification information and utility information related to services used by the user” and “the server reads from the recording device the utility information associated with the identification information received from the user, determines an order of the services in the service menu in accordance with the utility information, and transmits the read service menu in the order to the user.” The combination of these features is not taught or suggested by Parulski and Noro.

For at least the above stated reasons, Applicant respectfully request that the rejection of claims 1-8, 10-15, 20-22, 24-26, 28-30 and 32 based on Parulski and Noro be withdrawn.

§ 103 REJECTION – PARULSKI, NORO, JEBENS

Claims 9, 23, 27 and 31 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Parulski and Noro and in further view of Jebens et al. (US Patent 6,332,146). *See Office Action item 5.* Applicant respectfully traverses.

First, as noted above, the rejection of the claims fail since the Examiner fails to properly communicate the basis for a rejection as required. Second, any rejection based on Parulski

and/or Noro fails since both Parulski and Noro are not analogous. In addition, not all features of the invention as claimed are taught or suggested by the cited references.

For example, independent claim 9 recites, in part “A server, comprising: ... a communication device that receives identification information of a camera owned by a user from the user.” It has been shown above that Parulski and Noro cannot teach or suggest this feature. Jebens has not been relied upon to correct for at least this deficiency of Parulski and Noro.

As another example, claim 9 recites “a recording device that records a password associated with the identification information.” The Examiner merely alleges that column 18, lines 27-30 teaches the feature of “a recording device that records the information.” *See Office Action, page 13*. The Examiner is not even alleging that the recording device records the password associated with the identification. Thus, on its face, the Examiner’s allegation fails.

Also, the relied upon portion of Parulski - column 18, lines 27-30 – merely indicates that the electronic database 44 provides the product configuration center 50 with the customer’s selected configuration and personalization information for the product that the customer purchased. This portion is entirely silent regarding recording a password, let alone a password associated with an identification information.

Claim 9 also recites “a verifying device that reads from the recording device the password associated with the identification information received by the communication device and verifies the received password with the read password.” The Examiner relies upon the same portion of Parulski - column 18, lines 27-30 – to allegedly teach this feature. As noted above, the Examiner’s interpretation is in error.

Further, claim 9 recites “a device that allows services to the user when the passwords are the same or prohibits the services to the user when the passwords are different.” Examiner alleges that column 19, lines 49-54 of Parulski teaches this feature. As noted above, this portion merely indicates that customer can select the features of the imaging device when purchasing the imaging device. There is no discussion of whatsoever regarding allowing or prohibiting of services depending on the verification of passwords.

Clearly, independent claim 9 is distinguishable over the combination of Parulski, Noro and Jebens.

Claims 23, 27 and 31 depend from independent claim 20 directly or indirectly and it has been shown above that claim 20 is distinguishable over the combination of Parulski and Noro. Jebens has not been relied upon to correct for at least this deficiency of Parulski and Noro. Thus, claim 20 is distinguishable over the combination of Parulski, Noro and Jebens. Then for at least due to the dependency thereon, claims 23, 27 and 31 are also distinguishable over the combination of Parulski, Noro and Jebens.

The dependent claims are distinguishable on their own merits. For example, claim 23 recites “the server which communicates with the communication apparatus through the network has a recording device that records a password of the user associated with the identification information” and “the server reads from the recording device the password associated with the received identification information, verifies a password received from the user with the password read from the recording device, and then allows the service when the passwords are the same or

prohibits the service when the passwords are different.” The combination of these features is not taught or suggested by Parulski, Noro and Jebens.

For at least the above stated reasons, Applicant respectfully requests that the rejection of claims 9, 23, 27 and 31 based on Parulski, Noro and Jebens be withdrawn.

§ 103 REJECTION – PARULSKI, NORO, SLOANE

Claims 16-19 and 33-37 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Parulski and Noro and in further view of Sloane (US Patent 5,918,211). *See Office Action item 6.* Applicant respectfully traverses.

First, as noted above, the rejection of the claims fail since the Examiner fails to properly communicate the basis for a rejection as required. Second, any rejection based on Parulski and/or Noro fails since both Parulski and Noro are not analogous. In addition, not all features of the invention as claimed are taught or suggested by the cited references.

Independent claim 16 recites, in part “A service center, comprising: ... a communication device that receives identification information of the camera from the user.” It has been shown above that Parulski and Noro cannot teach or suggest this feature. Jebens has not been relied upon to correct for at least this deficiency of Parulski and Noro.

Also, claim 16 recites “wherein the communication device transmits the read after-sales service information to the user.” Contrary to the Examiner’s allegation, Sloane in column 4, lines 28-32 and column 7, lines 30-41 cannot teach this feature.

First, it is noted that Sloane is directed to providing a user or customer with information to influence the customer's decision at the point of sale – while standing at an aisle of a store. *See Sloane, column 1, lines 9-15.* In essence, Sloane is directed to providing customized advertisement to each customer.

Column 4, lines 28-32 of Sloane merely indicates that the customer is identified and is offered promotional and discount information based on their past purchasing history. In other words, the past history information is utilized by the system to determine what promotion information should be provided to the customer to influence his or her purchasing decision. An example is a promotion on an alternate product that is competitive with the products that the customer is considering purchasing.

However, Sloane is completely silent regarding providing after-sales service **on the camera** itself. At best, if Parulski is modified as suggested in Sloane, once the user makes a purchasing decision in the system as described in Parulski, the system would then provide a list of alternate camera models that may be available to the customer. Parulski would **not** provide after-sales information on the camera already purchased.

Column 7, lines 30-31 is also deficient. This portion of Sloane merely indicates that retailer is able to store all purchasing history information of customers for marketing purposes. Again, Sloane is silent regarding the feature of the communication device transmitting after-sales service data to the user as recited.

Parulski and Noro are not relied upon to correct for at least this deficiency of Sloane. In addition, Parulski, Noro and Sloane do not teach or suggest the features of “a recording device

that records after-sales service information associated with the identification information” and “a reading device that reads from the recording device the after-sales service information associated with the identification information received by the communication device.” Clearly, independent claim 16 is distinguishable over the combination of Parulski, Noro and Sloane.

Independent claim 18 recites “A service center, comprising: ... a communication device that receives identification information of the camera ... from the user” and “wherein the communication device transmits the read after-sales service information to the user.” As previously demonstrated, these feature are not taught or suggested by Parulski, Noro and Slone.

In addition, the features of “a recording device that records after-sales service information associated with the identification information and with at least one of the status information and the history information” and “a reading device that reads from the recording device the after-sales service information associated with the identification information and with the at least one of the status information and the history information received by the communication device” are not taught or suggested by Parulski, Noro and Slone. Clearly, independent claim 18 is distinguishable over the combination of Parulski, Noro and Sloane.

Independent claim 34 recites “receiving identification information from the user” and “transmitting after-sales service information to the user.” As previously demonstrated, these feature are not taught or suggested by Parulski, Noro and Slone. In addition, the feature of “reading from the recording device the after-sales service information associated with the received identification information” is also not taught or suggested by Parulski, Noro and Slone.

Clearly, independent claim 34 is distinguishable over the combination of Parulski, Noro and Sloane.

Independent claim 36 recites “receiving identification information ... from the user” and “transmitting the read after-sales service information to the user.” As previously demonstrated, these feature are not taught or suggested by Parulski, Noro and Slone. In addition, the feature of “reading from the recording device the after-sales service information associated with the received identification information and with at least one of the received status information and the received history information” is also not taught or suggested by Parulski, Noro and Slone. Clearly, independent claim 36 is distinguishable over the combination of Parulski, Noro and Sloane.

Claims 17, 19, 35 and 37 depend from independent claims 16, 18, 34 or 36. Therefore, for at least due to the dependency thereon, claims 17, 19, 35 and 37 are also distinguishable over the combination of Parulski, Noro and Sloane.

Claim 33 depends from independent claim 32 and it has been demonstrated above the claim 32 is distinguishable over the combination of Parulski and Noro. Sloane has not be relied upon to correct for at least the above noted deficiencies of Parulski and Noro. Therefore, claim 32 is distinguishable over the combination of Parulski, Noro and Sloane. For at least due to the dependency thereon, claim 33 is also distinguishable over the combination of Parulski, Noro and Sloane.

The dependent claims are also distinguishable on their own merits. For example, claims 17 and 19 recite “wherein the after-sales service information is updating information of a

program for the camera.” This feature is not taught by the combination of Parulski, Noro and Sloane.

For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 16-19 and 33-37 based on Parulski, Noro and Sloane be withdrawn.

NEW CLAIMS

Through this Reply, claims 38-42 are added. All new claims are allowable over any combination of the cited references for at least due to their dependency on the independent claims. Applicant respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

 #40,439

By:


Michael K. Mutter

Reg. No. 29,680

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000


MKM/HNS/adf
0879-0345P